159

(3)

No. 09-738

# In The
# Supreme Court of the United States

JOHN PHILIPPS,

*Petitioner,*

v.

CITY OF OAKLAND, CALIFORNIA
KAREN P. TANDY, Administrator, U.S. DEA
SCOTT N. SCHOOLS, U.S. Attorney, CAN
ARNOLD SCHWARZENEGGER,
Governor of the State of California,

*Respondents.*

On Petition for a Writ of Certiorari
To The United States Court of Appeals For The
Ninth Circuit

SEPARATE APPENDIX,
SUPPLEMENTAL BRIEF

John Philipps
2337 Ransom Avenue
Oakland, CA 94601-3827
(510) 261-7821, (510) 575-4782
Petitioner in pro se

FEB

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Dated Feb 17th, 2010

John Philips

John Philips, Petitioner pro se

2337 Ransom Avenue

Oakland, CA 94601

(510) 261-7821

| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) | TELEPHONE NO. | FOR COURT USE ONLY |
|---|---|---|
| John Phillips<br>2337 Ransom Avenue<br>Oakland, CA 94601 | (510) 261-7821 | Page 1 |
| ATTORNEY FOR (Name): | Ref. No. or File No. | |
| Insert name of court, judicial district or branch court, if any:<br>United States District Court Northern District<br>450 Golden Gate Ave.<br>San Francisco, CA 94102-0000 | | |
| PLAINTIFF:<br>Phillips | | |
| DEFENDANT:<br>City of Oakland, et al | | |

| PROOF OF HAND DELIVERY | DATE: | TIME: | DEPT/DIV: | CASE NUMBER:<br>C07-03885 |
|---|---|---|---|---|

At the time of service I was at least 18 years of age and not a party to this action, and I served:

Petitioner's Objection To Respondant City of Oakland's Motion To Dismiss; Memorandum of Law in Support of Petitioner's Objection to Respondent City of Oakland's Motion to Dismiss; Certificate of Service; Exhibits (6)

LAW OFFICES OF: Scott N. Schools, US Attorney

DELIVERED TO: Elsie Soto - Civil Process Clerk

DATE & TIME OF DELIVERY: September 27, 2007
11:17 am

ADDRESS, CITY, AND STATE: 450 Golden Gate Ave., 9th Floor
San Francisco, CA

MANNER OF SERVICE:

Delivery to Law Office. Service was made by delivery to the attorney's office; or by leaving the document(s) with his clerk over the age of 18 therein; or with a person having charge thereof, or if there was no such person in the office, by leaving them between the hours of 9:00 AM and 5:00 PM, in a conspicuous place at the law office(s). (CCP §1011(1))

Fee for Service: $85.00

Registered California process server
County: Contra Costa
Registration No.: 632
Expiration: February 16, 2008
PROFESSIONAL PROCESS SERVICE
936 Dewing Ave., Ste. E-1
Lafayette, CA 94549

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on September 27, 2007 at Lafayette, California.

Signature: Jeanne M. Kosta
Jeanne M. Kosta

Evid C §647, CCP §1013 5(b)(4)

07-4F9038P

BEST AVAILABLE COPY

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN PHILLIPS,

Plaintiff,

v.

CITY OF OAKLAND, et al.,

Defendants.

/

No. C 07-03885 CW

CLERK'S NOTICE TAKING MOTION UNDER SUBMISSION

MAR-4 2008

On January 31, 2008, Federal Defendants filed a Motion to Dismiss. Plaintiff's opposition to the motion was due February 21, 2006. Plaintiff has not filed any opposition to the motion. Accordingly,

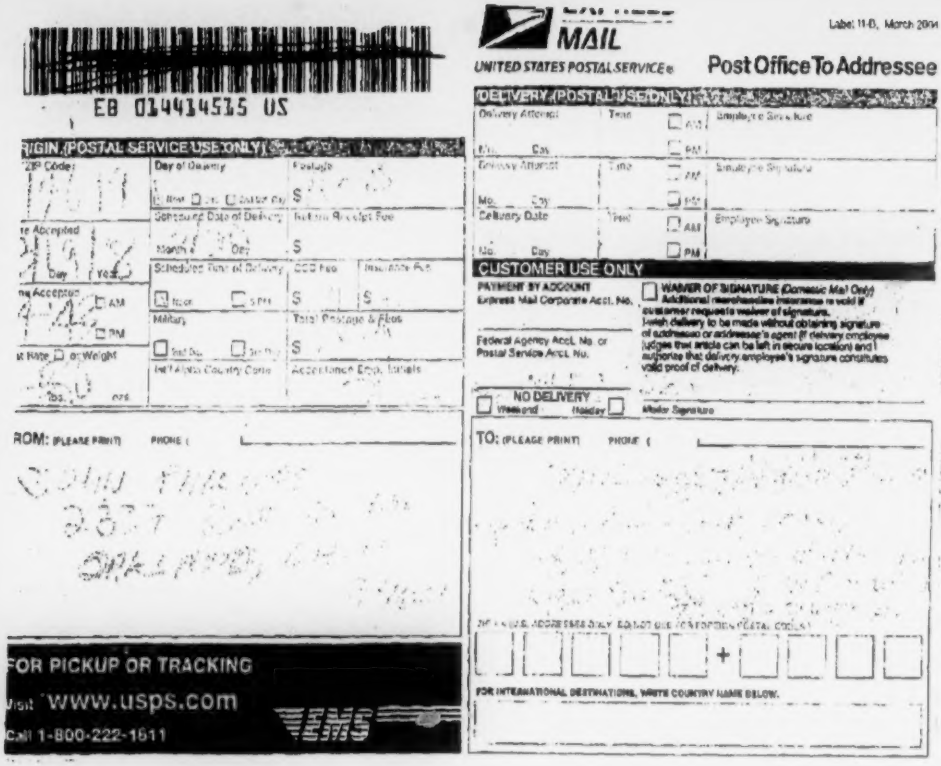
Notice is hereby given that the Court, on its own motion, shall take the Federal Defendants' Motion to Dismiss under submission on the papers. The hearing previously scheduled for March 13, 2008, is vacated. Plaintiff will have until March 20, 2008, to file written opposition to the motion; any reply by the Federal Defendants will be due March 27, 2008. **Failure by Plaintiff to timely file an opposition to the motion may result in the granting of the motion.**

Dated: 3/4/08

Sheilah Cahill

SHEILAH CAHILL
Deputy Clerk

United States District Court
For the Northern District of California



EB 014414515 US

EXPRESS MAIL
UNITED STATES POSTAL SERVICE®
Label 11-B, March 2004
Post Office To Addressee

ORIGIN (POSTAL SERVICE USE ONLY)

DELIVERY (POSTAL USE ONLY)

CUSTOMER USE ONLY

PAYMENT BY ACCOUNT
Express Mail Corporate Acct. No.

Federal Agency Acct. No. or Postal Service Acct. No.

WAIVER OF SIGNATURE (Domestic Mail Only)
Additional merchandise insurance is void if customer requests waiver of signature. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY
Weekend Holiday

Waiver Signature

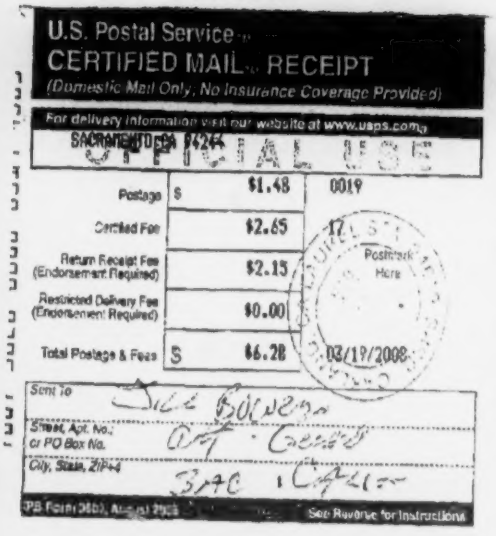
FROM: (PLEASE PRINT) PHONE ( )

TO: (PLEASE PRINT) PHONE ( )

FOR PICKUP OR TRACKING
Visit www.usps.com
Call 1-800-222-1811

VISIT WWW.USPS.COM FOR DELIVERY INFORMATION

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.



U.S. Postal Service™
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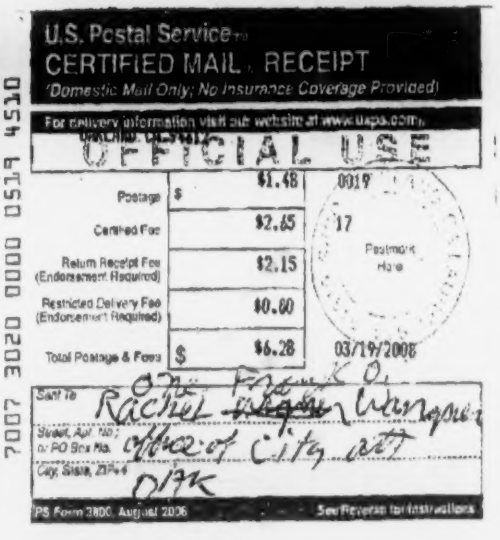
OFFICIAL USE

| | | |
|---|---|---|
| Postage | $ $1.48 | 0019 |
| Certified Fee | $2.65 | 17 |
| Return Receipt Fee (Endorsement Required) | $2.15 | Postmark Here |
| Restricted Delivery Fee (Endorsement Required) | $0.00 | |
| Total Postage & Fees | $ $6.28 | 03/19/2008 |

Sent To
Street, Apt. No.; or PO Box No.
City, State, ZIP+4

PS Form 3800, August 2006 — See Reverse for Instructions



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| Total Postage & Fees | $ $6.28 | 03/19/2008 |

Sent To
Street, Apt. No.; or PO Box No.
City, State, ZIP+4

PS Form 3800, August 2006 — See Reverse for Instructions

7007 3020 0000 0519 4510

D.E.A.

LAUREL POST OFFICE
OAKLAND, California
946199991
0555110019 -0095
9/29/2007 (800)275-8777 01:35:48 PM

Sales Receipt

| Product Description | Sale Qty | Unit Price | Final Price |
|---|---|---|---|
| ALEXANDRIA VA 22301 | | | $4.60 |
| Zone-6 Priority Mail | | | |
| Flat Rate Env | | | |
| 1 lb. 13.00 oz. | | | |
| Return Rcpt (Green Card) | | | $2.15 |
| Certified | | | $2.65 |
| Label #: | 70041160000619567546 | | |
| Issue PVI | | | -$9.40 |
| SACRAMENTO CA 94244 | | | $4.60 |
| Zone-2 Priority Mail | | | |
| Flat Rate Env | | | |
| 1 lb. 13.10 oz. | | | |
| Return Rcpt (Green Card) | | | $2.15 |
| Certified | | | $2.65 |
| Label #: | 70041160000619567577 | | |
| Issue PVI: | | | $9.40 |
| Total: | | | $18.80 |
| Paid by: | | | |
| Cash | | | $20.00 |
| Change Due: | | | -$1.20 |

Order stamps at USPS.com/shop or call 1-800-Stamp24. Go to USPS.com/clickship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

Bill#: 1000500701619
Clerk: 17

All sales final on stamps and postage
Refunds for guaranteed services only
Thank you for your business.

HELP US SERVE YOU BETTER

Go to: http://gx.gallup.com/pos

TELL US ABOUT YOUR RECENT POSTAL EXPERIENCE

YOUR OPINION COUNTS

Customer Copy

LAUREL POST OFFICE
OAKLAND, California
946199991
0555110019 -0095
03/19/2008 (800)275-8777 04:47:02 PM

Sales Receipt

| Product Description | Sale Qty | Unit Price | Final Price |
|---|---|---|---|
| SAN FRANCISCO CA 94102 | | | $16.25 |
| Zone-1 Express Mail | | | |
| PO-Add | | | |
| 5.50 oz. | | | |
| Label #: | EB014414515US | | |
| Next Day Noon / Normal Delivery | | | |
| Issue PVI: | | | $16.25 |
| SACRAMENTO CA 94244 | | | $1.48 |
| Zone-2 First-Class | | | |
| Large Env | | | |
| 4.10 oz. | | | |
| Return Rcpt (Green Card) | | | $2.15 |
| Certified | | | $2.65 |
| Label #: | 70073020000005194503 | | |
| Customer Postage | | | -$0.41 |
| Issue PVI: | | | $5.87 |
| OAKLAND CA 94612 Zone-0 | | | $1.48 |
| First-Class Large Env | | | |
| 4.10 oz. | | | |
| Return Rcpt (Green Card) | | | $2.15 |
| Certified | | | $2.65 |
| Label #: | 70073020000005194510 | | |
| Customer Postage | | | -$0.41 |
| Issue PVI: | | | $5.87 |
| Total: | | | $27.99 |
| Paid by: | | | |
| Cash | | | $28.00 |
| Change Due: | | | -$0.01 |

Order stamps at USPS.com/shop or call 1-800-Stamp24. Go to USPS.com/clickship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

Bill#: 1000500829840
Clerk: 17

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

HELP US SERVE YOU BETTER

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YOUR OPINION COUNTS

Customer Copy

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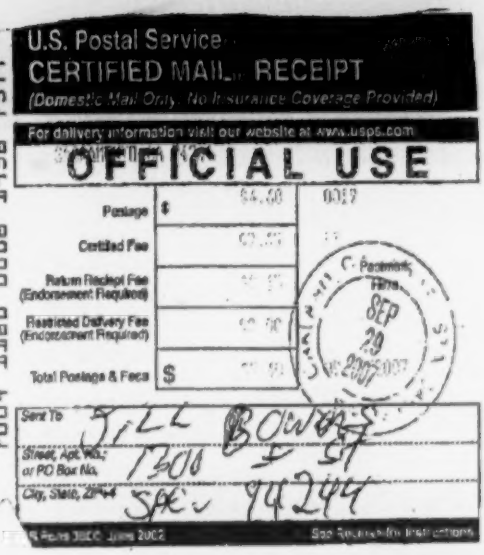
For delivery information visit our website at www.usps.com
OFFICIAL USE
Postage $4.60
Certified Fee $2.65
Return Receipt Fee (Endorsement Required) $2.10
Restricted Delivery Fee (Endorsement Required) $0.00
Total Postage & Fees $9.40
Sent To Koren Tanda D.E.A.
Street, Apt. No.; or PO Box No. 2401 Jefferson St
City, State, ZIP+4
7004 1160 0006 1956 7546


U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com
OFFICIAL USE
Postage $4.60
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $
Sent To JILL BOWER
Street, Apt. No.; or PO Box No. 1301 F St
City, State, ZIP+4 Sac. 94244
7004 1160 0006 1956 7577

BOE-502-AH(FRONT) REV.4 (8/02)

OFFICE OF ASSESSOR
COUNTY OF ALAMEDA
ADMINISTRATION BUILDING, ROOM 145, 1221 OAK STREET
OAKLAND, CALIFORNIA 94612-4288
(510) 272-3787 / FAX (510) 272-3803
RON THOMSEN
ASSESSOR

ASSESSOR'S USE ONLY
N.S.P.:
C.E.:
REC'D
BY:
DATE:

**CHANGE IN OWNERSHIP STATEMENT**
**REAL PROPERTY OR MANUFACTURED HOMES SUBJECT TO LOCAL PROPERTY TAXES**

**FILE THIS STATEMENT BY:**
EVENT DATE: May 7, 1993 NO.: 1993 -152738

PHILIPPS JOHN C
2337 RANSOM AVE
OAKLAND, CA 94601-3827

APN: 38-3179-9
LOCATION: 5540 FOOTHILL BLVD, OAKLAND, CA 94605-1029

**2002-2003**
**For Fiscal Year Beginning July 1, 2002 and Ending June 30, 2003**

**ALAMEDA COUNTY**
**SECURED PROPERTY TAX STATEMENT**
**Donald R. White, Treasurer and Tax Collector**
1221 Oak Street
Oakland, California 94612-4285

*Pacific Gas and Electric Company*

| Parcel Number | Tracer Number | Tax-Rate Area | Special Handling |
|---|---|---|---|
| 32-2100-46 | 063968 | 17-001 | TRANSAMERIC11 |

Location of Property
2335 RANSOM AV
Assessed to on January 1, 2002
WOLFORD ROGER & PHILIPPS JOHN

WOLFORD ROGER & PHILIPPS JOHN
2337 RANSOM AV
OAKLAND CA 94601-3627

| Tax-Rate Breakdown | | |
|---|---|---|
| Taxing Agency | Tax Rate | Tax Amount |
| COUNTYWIDE TAX | 1.0000% | 1,880.31 |
| VOTER APPROVED DEBT SERVICE | | |
| CITY OF OAKLAND 1 | .1897% | 356.70 |
| SCHOOL UNIFIED | .0818% | 153.81 |
| SCHOOL COMM COLL | .0176% | 33.09 |
| EAST BAY REGIONAL PARK | .0065% | 12.22 |
| EBMUD SPEC DIST 1 | .0084% | 15.79 |

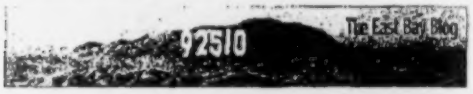
July 13, 1998

Final Notice

Roger Wilford
John C. Philipps
2335 Ransom Avenue #A
Oakland, CA 94601-3875

Re: 5540 Foothill Boulevard, Oakland, CA 9460
Account No. LJL-07-22705

Dear Roger Wilford and John C. Philipps:






## Four Oakland Cops Fired

CRIME / PEOPLE / POLITICS Robert Gammon – Tue, Apr 25, 2009 at 11:50 AM

Four of the eleven Oakland cops caught up in the search warrant scandal were **fired**, according to the *Trib*. The other seven **have returned** to the force. The *Trib*, citing anonymous sources, identified the four cops who lost their jobs as Karla Rush, Francisco Martinez, John Kelly and William Burke. The four applied on search warrants, swearing under oath that drugs had been tested by the police department's crime lab when they had not. The bogus warrants have resulted in the dismissal of at least sixteen criminal cases. The cops also are believed to have lied to the department's internal affairs division. An attorney for the cops says they got no training. But how much training do you need to tell the truth?

"Fruits of the poisonous tree"

Officer Rush was arresting officer in case #505113A and B and also a witness.

FORM NO. 214-170-4042 REV 4/03

SUPPLEMENTAL

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
WILEY W. MANUEL COURTHOUSE

CLERKS DOCKET AND MINUTES

1. DEPT 114 DATE 04-06-05 CEN 4299583

2. NAME Rodriguez, John C. DOCK NO 505113A

WITNESSES

| SWORN AND TESTIFIED ON BEHALF OF THE PEOPLE: | SWORN AND TESTIFIED ON BEHALF OF THE DEFENDANT: |
|---|---|
| 1. Karla Rush OPD | Roger Stephen Ellis 84 |

Q. So let me represent to you that Officer Rush previously testified there were 45 of those potted plants in the basement area at 2337 Ransom Avenue and indicate to you that if you subtracted those 45 plants from the total 166 plant count that was in that area, that would leave 121 as opposed to 166 plants.

A. Okay.

Q. Hypothetically speaking, would 121 plants in the conditions that you've seen all of the plants -- not just the tall ones budding, but also the shorter ones that you couldn't see buds -- would that be too much marijuana for two people to possess for personal use as qualified patients?

LESLIE YARBROUGH, CSR #12067

Dept. No. 112
12/21 I/C

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
WILEY W. MANUEL COURTHOUSE

| | |
|---|---|
| PEOPLE OF THE STATE OF CALIFORNIA | NO. 505113A,B<br>COMPLAINT |
| v. | 149732 |
| **JOHN C PHILLIPS** | PFN: BAM042 CEN: 4299583 |
| **DAVID CLANCY** | PFN: BCG475 CEN: 4299588 |
| Defendant(s). | |

The Undersigned, being sworn says, on Information and belief, that JOHN C PHILLIPS and DAVID CLANCY did, in the County of Alameda, State of California, on or about December 17, 2004, commit a Felony, to wit: CULTIVATING MARIJUANA, a violation of section 11358 of the HEALTH AND SAFETY CODE of California, in that said defendant(s) did unlawfully plant, cultivate, harvest, dry, and process marijuana.

"NOTICE: Conviction of this offense will require you to register pursuant to Health and Safety Code section 11590. Failure to do so is a crime pursuant to Health and Safety Code section 11594."

**SECOND COUNT**

The Undersigned further deposes and says on Information and belief, that said DAVID CLANCY and JOHN C PHILLIPS did, in the County of Alameda, State of California, on or about December 17, 2004, commit a Felony, to wit: POSSESSION OF MARIJUANA FOR SALE, a violation of section 11359 of the HEALTH AND SAFETY CODE of California, in that said defendant(s) did unlawfully possess for purpose of sale, to wit: marijuana.

"NOTICE: Conviction of this offense will require you to register pursuant to Health and Safety Code section 11590. Failure to do so is a crime pursuant to Health and Safety Code section 11594."

**FIRST PRIOR CONVICTION AS TO DEFENDANT PHILLIPS**

The undersigned further alleges that before the commission of the offense specified above, said defendant JOHN C PHILLIPS, on or about April 19, 2004, was convicted in the Superior Court of the State of California, in and for the County of ALAMEDA, of the crime of a Felony, to wit: POSSESSION OF CONCENTRATED CANNABIS, a violation of section 11357(a) of the HEALTH AND SAFETY CODE of California, and received a sentence of probation therefor.

| SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA<br>STREET ADDRESS: 1225 FALLON STREET<br>MAILING ADDRESS:<br>CITY AND ZIP CODE: OAKLAND, CA 94612<br>BRANCH NAME: NORTHERN | FOR COURT USE ONLY |
|---|---|
| PEOPLE OF THE STATE OF CALIFORNIA<br>vs.<br>DEFENDANT:<br>John C. Phillips | |
| FINGERPRINT FORM | CASE NUMBER:<br>149732 |

## INSTRUCTIONS

Immediately following arraignment in superior court of a defendant charged with a felony or arraignment of a defendant by a municipal court judge sitting as a superior court judge, the court shall require the defendant to provide a right thumbprint on this form. In the event the defendant is convicted, this form shall be attached to the minute order reflecting the defendant's sentence and shall be permanently maintained in the court file. Please see Penal Code section 992 for further information, including when the defendant is physically unable to give a right thumbprint.

For a proper imprint and durable record, this form should be printed on paper that meets California Department of Justice specifications: a 99 pound white tab card or 100 pound white tab stock 0.0070 inch thick (0.0066 through 0.0074 inch is acceptable). Paper smoothness should be 100–140 sheffield units. The form should be printed with the grain left to right.

FRAUD y PRINT

1. The box to the right contains the defendant's
   - [X] right thumbprint
   - [ ] other print *(specify)*:

John Phillips
Thumb PRINT
2/17/10

2. The print was taken on *(date)*:
   04200S

3. The print was taken by
   a. Name: V. Ibarra
   b. Position: Bailiff
   c. Badge or serial No.: 1343

2/17/10

Both Palms
Thumb Print

COPY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

BEFORE THE HONORABLE TRINA THOMPSON STANLEY, JUDGE

DEPARTMENT NO. 114

---oOo---

| | |
|---|---|
| THE PEOPLE OF THE STATE OF CALIFORNIA,<br><br>Plaintiff;<br><br>Vs.<br><br>(A) JOHN C. PHILLIPS,<br>(B) DAVID DAMON CLANCY,<br><br>Defendants. | No. 505113A<br>505113B |

**REPORTER'S TRANSCRIPT OF PROCEEDINGS**

**PRELIMINARY EXAMINATION**

WILEY W. MANUEL COURTHOUSE
OAKLAND, CALIFORNIA

TUESDAY, APRIL 5, 2005
VOLUME 2

LESLIE YARBROUGH, CSR #12067

For the People:
CHRIS INFANTE
Deputy District Attorney

For Defendant A:
CLIFFORD LANCASTER
Attorney at Law

For Defendant B:
MICHAEL R. KILTS
Attorney at Law

[redacted]

CALIFORNIA DEPARTMENT OF MOTOR VEHICLES
***CUSTOMER RECEIPT COPY***
DRIVER LICENSE/IDENTIFICATION CARD
INFORMATION REQUEST
06/04/93

D#[illegible]
DATE:06-04-93*TIME:15:23:
DL/NO:R0169588*
B/D:07-30-49*NAME:PHILIPPS,JOHN CARL*
RES ADD AS OF 07-29-88:2037 RAMSON AV. OAKLAND [illegible]
OTH ADD AS OF 06-22-84:2037 RAMSON AV. OAKLAND [illegible]
IDENTIFYING INFORMATION:
SEX:MALE*HAIR:BROWN*EYES:HAZEL*HGT:5-11*WGT:190*

[illegible]

NONE*

JV-054

8581

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

| | | |
|---|---|---|
| ☐ Allen E. Broussard Justice Center<br>600 Washington Street, Oakland, CA 94607 | ☐ Berkeley Courthouse<br>2000 Center Street, Berkeley, CA 94704 | ☐ Berkeley Courthouse<br>2120 Martin Luther King, Jr. Way, Berkeley 94704 |
| ☐ Fremont Hall of Justice<br>39439 Paseo Padre Parkway, Fremont, CA 94538 | ☐ Gale/Schenone Hall of Justice<br>5672 Stoneridge Drive, Pleasanton, CA 94588 | ☐ George E. McDonald Hall of Justice<br>2233 Shoreline Drive, Alameda, CA 94501 |
| ☐ Hayward Hall of Justice<br>24405 Amador Street, Hayward, CA 94544 | ☐ René C. Davidson Courthouse<br>1225 Fallon Street, Oakland, CA 94612 | ☑ Wiley W. Manuel Courthouse<br>661 Washington Street, Oakland, CA 94607 |

THE PEOPLE OF THE STATE OF CALIFORNIA

vs. 147115

Phillips, John
Defendant

Case No.: 488924 A
PFN: BAM042
CEN: 3263651

**CERTIFICATE OF MAGISTRATE AND COMMITMENT**

The attached complaint was filed in this court and a copy delivered to the above-named defendant.

I hereby certify that after the filing of the attached complaint the herein named defendant John Phillips appeared before me in open court and was duly arraigned; and thereafter defendant appeared before me represented by counsel, to wit: Cliff Lavigne at which time with my consent and the consent of the District Attorney, the defendant in the presence of counsel, pleaded guilty/nolo contendere to the felony offense(s) to wit: A violation of section 11357(a) of the Health and Safety Code of the State of California

☐ defendant admitted having suffered the _____ prior convictions.

I therefore certify this case to the Superior Court of the State of California, in and for the County of Alameda, and order the defendant to appear in Department Number 11 on 4-19-04 at 8:31 am and further refer this matter to the Probation Department for a report.

☐ It is orally stipulated that defendant waives the 5 day requirement for filing of Probation Report before sentencing.

☐ The Sheriff of the County of Alameda, if the defendant is not now on bail, is commanded to receive the defendant into custody and to detain the defendant until legally discharged. Defendant may be admitted to bail (including penalty assessment) in the sum of $ _____.

☑ The defendant is to be continued on: ☐ O.R. ☑ BB $ 20,000.00 Bond No. _____
☐ Cash Bail $ _____.00 Check No. _____

Dated: 3-8-04

Charles D. Smith
JUDGE OF THE SUPERIOR COURT

FILED
ALAMEDA COUNTY

MAR 1 5 2004

CLERK OF THE SUPERIOR COURT
By _____

Original: Felony Unit
Copy: Originating Court File
Copy: Sheriff or Defendant

IN THE SUPERIOR COURT OF THE OAKLAND JUDICIAL DISTRICT
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

STATE OF CALIFORNIA

COUNTY OF ALAMEDA

# AFFIDAVIT FOR SEARCH WARRANT

Register No.

Arrest No.

Special Agent Brian Nehring of the Drug Enforcement Administration, being sworn, says: that there is probable and reasonable cause to believe, and I do believe, that there is now on and in the premises, structures, rooms, receptacles and safes situated at:

**2335 Ransom Avenue, Oakland, California**, described as a single-family, free-standing, two-story residence, light orange in color, with white colored trim, with a red composition roof, with the front door of the residence facing west and being white in color, with a covered carport area to the left of the front door and with the numerals 2335 in white clearly affixed vertically to the front of the residence. Including any and all outbuildings, storage areas or sheds located in the enclosed yard to the rear of the structure.

certain property, things and evidence, listed in ATTACHMENT "A"

Your affiant says that there is probable and reasonable cause to believe and that he does believe that said property constitutes: (Check applicable boxes)

[ ] stolen or embezzled property and

[X] property or things used as the means of committing a felony and

[X] property or things in the possession of a person with the intent to use it as a means of committing a public offense, or in the possession of another to whom he may have delivered it for the purpose of concealing it or preventing it's being discovered and

[X] property or things which consist of an item or constitutes evidence which tends to show that a felony has been committed, or tends to show that a particular person has committed a felony and

[ ] property or things which consist of an item or constitutes evidence which tends to show that sexual exploitation of a child, in violation of P.C. Section 311.3, has occurred or is occurring

charges had been filed. The CS subsequently directed me to the residence located at 2335 Ransom Avenue, Oakland, CA and stated that this was the building in which PHILIPPS lived and that it was all one residence inhabited by PHILIPPS alone. I and S/A Cole noted during this and subsequent observations of this structure that the numerals 2335 are the only numbers visible on the structure from the street and that it appeared that there was only one front door to the structure.

The CS provided me with a home telephone number of (510) 261-7821 for PHILIPPS.

Subsequent inquiries with the DMV revealed record of a John PHILIPPS (CDL #R0169588) providing a most recent residence address of 2337 Ransom Avenue, Oakland, CA as of December 26, 2000.

Inquiries with the National Comprehensive Report Database revealed that John C. PHILIPPS and Roger WOLFORD were the owners of the structure located at 2335 Ransom Avenue, Oakland, CA, described in these records as a "triplex (any combination)". I also noted that the records reflected that although the entire site structure was listed as 2335 Ransom Avenue, the mailing address for PHILLIPS and WOLFORD was listed as 2337 Ransom Avenue. I further noted from my training and experience that narcotics traffickers will often attempt to thwart law enforcement investigations by confusing property records by listing multiple addresses for a single property or mislabeling properties. Inquiries with the DMV revealed that over the years WOLFORD and PHILIPPS have registered vehicles at both 2335 and 2337 Ransom Avenue, Oakland, CA at various times. I also noted the fact that although the residence is listed on property records as 2335 Ransom Avenue, Oakland, CA both PHILIPPS and WOLFORD receive mail at 2337 Ransom Avenue, Oakland, CA. Subsequent inquiries with the Nationwide Telephone Search Index revealed that home telephone number 510-261-7821 provided by the CS is currently listed in the name of John PHILIPPS at 2337 Ransom Ave., Oakland, CA 94601. However, records reflect that this is the only telephone service at this structure and I noted that the CS had stated that PHILIPPS utilized both the upstairs and the downstairs as a single residence.

DOJ records revealed that PHILIPPS was arrested by the Oakland Police Department on September 21,1998, for violation of the California Health and Safety Code Section 11358, Cultivation of Marijuana, and H&S 11359, Possession of Marijuana for Sale. No adjudication was available. I subsequently obtained Oakland Police Department report #98-088588 regarding the arrest of PHILIPPS. I learned that Oakland Police Department Officers had received information that PHILIPPS was operating a marijuana grow and selling marijuana from his house. Officers subsequently obtained and executed a search warrant at PHILIPP's residence listed at that time as 2337 Ransom Ave., Oakland, California. I noted that currently, as of the writing of this affidavit, the numbers 2337 are not visible on any building or structure anywhere on Ransom Avenue.

At the time of the search warrant execution, PHILIPPS was the only individual at the residence, which matched the description of the building on Ransom Avenue currently bearing only the numbers 2335. In a rear room of the main residence, Officers located

**CALIFORNIA FAIR PLAN ASSOCIATION**

3435 Wilshire Blvd., Suite 1200
Los Angeles, CA 90010
Mail: P.O. Box 76924, Los Angeles, CA 90076-0924
TEL. (213)487-0111



**NOTICE OF CANCELLATION**
**OF DWELLING FIRE POLICY**

POLICY NUMBER: CFP 1160257 00
EFFECTIVE DATE: 11/17/95
EXPIRATION DATE: 11/17/96

CANCELLATION TO TAKE EFFECT AT 12:01 A.M. 03/10/96
DATE OF THIS NOTICE: 01/30/96

| INSURED | PRODUCER |
|---|---|
| JOHN PHILLIPS<br>AND ROGER WALFORD<br>2335 RANSOM AVENUE #A<br>OAKLAND, CA 94601 | 5991490<br>RUUD, HOWARD D. INS. AGCY. INC<br>5956 MAC ARTHUR BOULEVARD<br>OAKLAND, CA 94605 |

TO ALL INSURED(S), MORTAGEES, AND LOSS PAYEES NAMED IN SAID POLICY; THIS IS A NOTICE OF CANCELLATION OF INSURANCE POLICY.

SAID POLICY IN ITS ENTIRETY, INCLUDING ANY MORTGAGEE OR LOSS PAYABLE CLAUSE, IS HEREBY CANCELLED AS TO ALL INTERESTS INSURED.
EXCESS (IF ANY) OF PAID PREMIUM OVER THE PRO RATA PREMIUM FOR THE EXPIRED TIME WILL BE REFUNDED WITHIN A REASONABLE TIME AFTER THE EFFECTIVE DATE OF CANCELLATION. DEMAND IS HEREBY MADE FOR RETURN OF THE POLICY, AND FOR PAYMENT OF EARNED PREMIUM IF NOT ALREADY PAID.
IF THIS POLICY IS BEING CANCELLED FOR NON PAYMENT OF PREMIUM, PAYMENTS OF ALL AMOUNTS DUE MUST BE RECEIVED IN THE CALIFORNIA FAIR PLAN OFFICE BY THE EFFECTIVE DATE OF CANCELLATION SHOWN ABOVE.

REASON FOR CANCELLATION -- DISCOVERY OF FRAUD OR MATERIAL MISREPRESENTATION IN OBTAINING THE POLICY OR IN THE PRESENTATION OF A CLAIM THEREUNDER.

SECTION IX - RIGHT OF APPEAL: ANY APPLICANT OR INSURER SHALL HAVE THE RIGHT OF APPEAL TO THE GOVERNING COMMITTEE. A DECISION OF THE COMMITTEE MAY BE APPEALED TO THE INSURANCE COMMISSIONER WITHIN THIRTY (30) DAYS OF THE ACTION OR DECISION OF THE COMMITTEE. (SEE PROCEDURE ENCLOSED).

PROPERTY IS 100% VACANT WITH UNREPAIRED EARTHQUAKE DAMAGE, SEE COPY OF REPORT (CANC. EFF. DATE 03-10-96)

**SEND TO**

5991490
JOHN PHILLIPS
AND ROGER WALFORD
2335 RANSOM AVENUE #A
OAKLAND, CA 94601

CALIFORNIA FAIR PLAN

OFPCAN1 (6/93)

INSUREDS COPY

PACIFIC BELL.
A Pacific Telesis Company

Residence Service Flat Rate
Account Number
510 261-7821 328 N 9167

Statement Date
Apr 14, 1993

JOHN PHILIPPS
2337 RANSOM AV
REAR
OAKLAND CA
94601

Page 1

| | | | | |
|---|---|---|---|---|
| Previous Charges | Amount of last bill | | | 160.65 |
| | Payment(s). | | | .00 |
| | **Unpaid Balance. *See Disconnect Notice on Prior Page*** | | | **160.65** |
| Current Charges | Pacific Bell | Page | 2 | 65.67 |
| | AT&T | Page | 6 | 18.22 |
| | Operator Assistance Network | Page | 8 | 20.42 |
| | **Current Charges Total Due By May 14, 1993** | | | **105.31** |
| Total Due | | | | $265.96 |

**LATE CHARGE REMINDER.** A late charge may apply on May 18 if your payment has not been received. Your bill, however, must still be paid before the DUE BY date to avoid any other penalties (See Reverse)

| Whom to Call | | |
|---|---|---|
| | Pacific Bell - payment arrangements and billing questions: | *800-773-9977* |
| | Pacific Bell - adding, changing or disconnecting service: | *800-773-2355* |
| | Centro Hispano de Pacific Bell, llame gratis: | *800-870-5855* |

**FOR QUESTIONS ABOUT THE CHARGES OF OTHER COMPANIES, PLEASE REFER TO THE TOP OF EACH COMPANY'S PAGE.**

New Custom Calling Services

With Call Return, Call Screen and Priority Ringing you can return your last incoming call, block unwanted calls, and identify important calls. Installation for these new features is free through June 28, 1993 - monthly charges apply. To order call 1-800-992-8899.

*PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT*

| Account Number | Statement Date | Payment Due | Total Due |
|---|---|---|---|
| 510 261 7821 328 167 N 9 | Apr 14, 1993 | May 14, 1993 | $265.96 |

Enter Amount Paid > > >
$ ☐☐☐.☐☐

Make Check Payable to Pacific Bell.

EB/CK 2 DZ. **CR04

JOHN PHILIPPS
2337 RANSOM AV
REAR
OAKLAND CA 94601

PACIFIC BELL
PAYMENT CENTER
SAC CA 95887 0001

106 2617821 328 510 167

16065 120 87074 26596

NANCY E. O'MALLEY, DISTRICT ATTORNEY

COUNTY OF ALAMEDA, STATE OF CALIFORNIA

# SUBPOENA

To: PAULETTE AVEAU
2335 RANSOM AVENUE, APT. A
OAKLAND CA 94601

You are commanded to appear in Department 011 of the Superior Court at the RENE C. DAVIDSON COURTHOUSE, 1225 Fallon Street, Oakland on **02/25/2010** at 1:00 PM, in the matter of:

People of the State of California

**Docket # 80-157700**
**Police Report # 09-069685**
**Calendar Event HGARP**

v.

RAMON GALIKI AVEAU
Defendant(s)

Before going to Department 011 please go to the District Attorney's Office on the 9th floor

NANCY E. O'MALLEY, DISTRICT ATTORNEY

COUNTY OF ALAMEDA, STATE OF CALIFORNIA

SUBPOENA

To: JOHN PHILLIPS
2337 RANSOM AVENUE
OAKLAND CA 94601

You are commanded to appear in Department 011 of the Superior Court at the RENE C. DAVIDSON COURTHOUSE, 1225 Fallon Street, Oakland on **02/25/2010** at 1:00 PM, in the matter of:

People of the State of California

**Docket # 80-157700**
**Police Report # 09-069685**
**Calendar Event HGARP**

v.

RAMON GALIKI AVEAU

RAMON GALIKI AVEAU